

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

ARTICLE 13 LLC,

Plaintiff,

MEMORANDUM & ORDER
21-CV-436 (EK) (RML)

-against-

LISA MARIA ABBOTT, et al.,

Defendants.

-----x

ERIC KOMITEE, United States District Judge:

Plaintiff's motion to drop defendant State of New York ("New York"), ECF No. 83, is granted. Courts can drop parties under Rule 21 to maintain diversity so long as the party is not indispensable under Rule 19 and the remaining parties would not be prejudiced. *Call Ctr. Techs., Inc. v. Grand Adventures Tour & Travel Pub. Corp.*, 635 F.3d 48, 51 (2d Cir. 2011). Even if New York were a necessary party, the state is not indispensable because the "absence of a necessary party in a foreclosure action simply leaves such party's rights to the premises unaffected." *In re Comcoach Corp.*, 698 F.2d 571, 574 (2d Cir. 1983). And dropping New York does not prejudice the remaining parties. See *E. Sav. Bank v. Walker*, 775 F. Supp. 2d 565, 574 (E.D.N.Y. 2011) ("[I]f plaintiff wishes to have the property sold subject to the liens, I see no impediment to it doing so.").

Plaintiff's motion to appoint a receiver, ECF No. 91, is respectfully referred to Magistrate Judge Robert M. Levy. No report and recommendation is needed, as this motion is not dispositive. *See Fed. Nat'l Mortg. Ass'n v. 1488 Bushwick, LLC*, No. 23-CV-4030, 2024 WL 4728666, at *1 (E.D.N.Y. Nov. 8, 2024) (collecting cases).

The Clerk of Court is respectfully directed to drop defendant State of New York from this case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: May 21, 2025
Brooklyn, New York